

IN THE MATTER OF THE
THE APPLICATION OF
BEDFORD HOUSE, INC.
FOR A VARIANCE ON PROPERTY
LOCATED ON THE NORTHEAST
CORNER DWYER AVENUE AND
CHURCH LANE (112 CHURCH LANE)
3RD ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 92-288-A

OPINION

This matter comes before this Board on appeal from a decision of the Deputy Zoning Commissioner wherein he granted the requested variances on the existing structure and denied the variance on the proposed structure. The case was heard this day in its entirety.

Since the hearing before the Deputy Zoning Commissioner, Petitioner has met with the representatives of the Bedford Village Council of Unit Owners, who were the only protestants before the Deputy Zoning Commissioner, and an agreement with them has been achieved by the Petitioner's agreement to comply with their concerns as evidenced by their letter of November 4, 1992 and entered as Joint Exhibit No. 2. As a result of these conferences, several relatively minor changes are now being petitioned for: (1) the petition to close Dwyer Avenue, a paper street, has been withdrawn; and (2) the setback on the proposed building on the rear of this lot has been increased from 20 feet to 25 feet, and is so noted on Petitioner's Exhibit No. 1.

The three variances requested for the existing building are a side yard variance of 10 feet from the required 15 feet; another side yard variance of 20 feet from the required 25 feet; and a lot width variance of 76 feet from the required 80 feet. All of these

Case No. 92-288-A Bedford House, Inc.

three requested variances are to an existing building that has been there many years, and to deny these variances would create extreme hardship on the property owner, and therefore the Board is of the opinion that they should be granted and will so order.

The requested variance of 25 feet from the required 30 feet for the proposed new building is necessary because without this variance the proposed single-family dwelling cannot be constructed as portrayed on Petitioner's Exhibit No. 1. The Board will note that the screening between the proposed single-family dwelling and the abutting townhouses must comply with the letter of November 4, 1992 requirements as well as the Baltimore County landscape requirements. To deny the requested variance, because of its relative smallness and the concurrence of the abutting property owners with conditions as noted in their letter of November 4th, would, in the opinion of this Board, be an unreasonable hardship upon the property owner, and therefore the variance should be granted. The Board will further note that the zoning on this parcel is D.R. 16 and said zoning would permit 7-1/2 density units, and the plan as entered as Petitioner's Exhibit No. 1 only proposes a density of 4 units.

Petitioners presented as their only witness Vincent Moskunus, the engineer who prepared the plat for this petition. His testimony indicated a need for all the as-described variances. On cross examination, he testified that this subdivision plat cannot be filed among the Land Records until this Board issues its Order.

Case No. 92-288-A Bedford House, Inc.

ORDER

IT IS THEREFORE this 20th day of January, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the variance to permit a side yard setback of 10 feet in lieu of the required 15 feet; a side yard setback of 20 feet in lieu of the required 25 feet; and a building lot width of 76 feet in lieu of the required 80 feet on the existing structure be and the same are GRANTED; and it is further

ORDERED that a variance of 25 feet for the rear yard setback on the proposed new dwelling in lieu of the required 30 feet with the applicable restrictions as noted in the Bedford Village Council of Unit Owners letter of November 4, 1992, entered as Joint Exhibit No. 2 (a copy of which is attached hereto and made a part hereof) be and the same is GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

John G. Disney

S. Diane Levero

David Chiknashvili testified that he resides at 204 Church Lane, approximately 2 houses down from the subject property. He testified that he is employed as an Architect and Planner for Montgomery County and that he has been actively involved in a variety of programs in Montgomery County and community organizations. Mr. Chiknashvili testified the Petitioner purchased the subject property in 1989 for \$146,000 with the intention of establishing an elderly housing facility on the premises. Testimony indicated that they attempted to have the property rezoned to RAE-1 but were unsuccessful. Mr. Chiknashvili testified that the property has been an economic disaster for the Petitioner and that the existing dwelling currently operates at a loss of about \$1300 per month. In an attempt to mitigate the financial losses incurred, the Petitioner is desirous of subdividing the subject property to create another building lot to the rear of the site as depicted on Petitioner's Exhibit 2. Mr. Chiknashvili introduced an artist's rendition depicting the type of dwelling that would be constructed on proposed Lot 2 marked Petitioner's Exhibit 1. The dwelling proposed appears to be a two-story colonial.

Mr. Chiknashvili testified that some of the requested variances are for the existing three-apartment dwelling on proposed Lot 1 which fronts on Church Lane, while the remaining variances are for the new dwelling which would be constructed to the rear of the property on proposed Lot 2 as set forth on Petitioner's Exhibit 2. Mr. Chiknashvili argued the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community and that denial of same would create practical difficulty and unreasonable hardship for the Petitioner. Vincent Moskunus, President of M & H Development Engineers, Inc. testified that he prepared the site plan submitted with the Petition filed

in this matter. Mr. Moskunus testified that the variances should be granted due to the narrow width of the subject lot.

Appearing and testifying as Protestants in the matter were Ruth Casper, Arlene Rosenberg, and Bernard Mossel. Their cumulative testimony was that they are opposed to the granting of any variance which would permit an additional dwelling to be constructed on this lot. The Protestants stated that the Bedford Village Townhouses located on the adjacent parcel of land to the east of this site provide an excellent buffer between the existing office and retail uses in that area and the single family homes. They also stated that the proposed Master Plan recommends down zoning this particular lot to D.R. 5.5.

Comments were submitted by various agencies of Baltimore County. Of particular interest were the comments submitted by Rahse Famili of the Bureau of Traffic Engineering dated February 20, 1992. Mr. Famili calls for a 10-foot right-of-way widening along Dwyer Avenue to be dedicated to Baltimore County at no cost. This requested widening would result in the new dwelling on proposed Lot 2 being only 5 feet from the street right-of-way. This, in my opinion, would not be acceptable.

There was also discussion concerning the closing of Dwyer Avenue. The Petitioner stated that they at one time had filed a Petition to have Dwyer Avenue closed, but subsequently withdrew that Petition due to neighborhood opposition. It is noted that Jeffrey Long of the Office of Planning submitted comments dated February 14, 1992 in which he specifically states that Dwyer Avenue should not be closed. In the event Dwyer Avenue were to be closed in the future, it would provide a more acceptable situation for a new dwelling on proposed Lot 2. However, such is not the case. In the opinion of this Deputy Zoning Commissioner, proposed Lot 2 is not

an acceptable site on which to locate a new dwelling of the size depicted on Petitioner's Exhibits 1 and 2. Therefore, the variances requested for the proposed dwelling shall be denied.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted for the existing three-apartment dwelling on proposed Lot 1, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in any detriment to the public health, safety, and general welfare. I also find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Therefore, the relief requested for the existing three-apartment dwelling shall be granted. However, due to the narrow width of the lot and its close proxim-

IN RE: PETITION FOR ZONING VARIANCE
NR/Corner Dwyer Avenue and
Church Lane
(112 Church Lane)
3rd Election District
2nd Councilmanic District
Bedford House, Inc.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-288-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance in which the Petitioner, by its Vice President, Morris Silberman, requests variances from Sections 402.1 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) (VB.9 of the Comprehensive Manual of Development Policies (C.M.D.P.)), to permit side yard setbacks of 10 feet and 13 feet in lieu of the minimum required 15 feet for each, and a lot width of 60 feet in lieu of the required 80 feet, for an existing three-apartment dwelling, and a right-of-way line setback of 15 feet in lieu of the required 25 feet and a street centerline setback of 30 feet in lieu of the minimum required 50 feet for a proposed dwelling, all as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Bedford House, Inc., was represented by Michael S. Kosofsky, Esquire. Appearing on behalf of the Petitioner were Vincent J. Moskunus, Engineer, and David Chiknashvili. Appearing as Protestants in the matter were Arlene Rosenberg and Bernard F. Mossel on behalf of the Pikesville Township Association, and Ruth Casper, representing the Bedford Village Council of Unit Owners.

Testimony indicated that the subject property, known as 112 Church Lane, consists of 0.47 acres, more or less, zoned D.R. 16 and is improved with a 2 and 1/2 story dwelling containing three apartments.

ORDER RECEIVED FOR FILING
Date 3/13/92
By [Signature]

ity to Dwyer Avenue, the relief requested for proposed Lot 2 is inappropriate at this time and shall be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested shall be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31st day of March, 1992 that the Petition for Zoning Variance from Sections 402.1 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) (VB.9 of the Comprehensive Manual of Development Policies (C.M.D.P.)), to permit side yard setbacks of 10 feet and 13 feet in lieu of the minimum required 15 feet for each, and a lot width of 60 feet in lieu of the required 80 feet, for an existing three-apartment dwelling on proposed Lot 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Within thirty (30) days of the date of this Order Petitioner shall submit a revised site plan incorporating the relief granted herein. Said plan shall eliminate the building envelope for the proposed dwelling on Lot 2.
- 3) Petitioner shall comply with all future CRG comments.
- 4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Zoning Variance from Sections 402.1 and 504 of the B.C.Z.R. (VB.9 of the Comprehensive Manual

ORDER RECEIVED FOR FILING
Date 3/13/92
By [Signature]

ORDER RECEIVED FOR FILING
Date 3/13/92
By [Signature]

ORDER RECEIVED FOR FILING
Date 3/13/92
By [Signature]

of development policies (C.M.D.P.) to permit a right-of-way line setback of 15 feet in lieu of the required 25 feet and a street centerline setback of 30 feet in lieu of the minimum required 50 feet for a new dwelling on proposed lot 2, be and is hereby DENIED.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

Suite 113, Conthome
400 Washington Avenue
Towson, MD 21204

March 11, 1992

(410) 857-1330

Michael S. Rosofsky, Esquire
200 East Lexington Street, Lower Suite
Baltimore, Maryland 21202

RE: PETITION FOR ZONING VARIANCE
NE/Corner Dwyer Avenue and Church Lane
(112 Church Lane)
3rd Election District - 2nd Councilmanic District
Bedford House, Inc. - Petitioner
Case No. 92-288-A

Dear Mr. Rosofsky:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

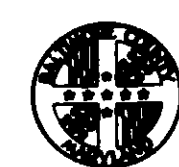
TMK:bjs

cc: Ms. Arlene Rosenberg
218 Church Lane, Pikesville, Md. 21208

Ms. Ruth Casper
11 Gala Lane, Pikesville, Md. 21208

Mr. Bernard F. Nussel
205 Church Lane, Pikesville, Md. 21208

People's Counsel
file



Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 402.1.1.504 (VR 9 CMPEL) to allow side yard setbacks of 10 feet and 13 feet and a lot width of 69 feet to a 3 apt. dwelling in lieu of the

minimum required 15 feet each and 80 feet respectively and a set back in a right of way line of 15 feet and setback to the road center line of 30 feet for a proposed dwelling in lieu of the minimum required 25 feet, 4-30 feet respectively, of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

The narrow configuration of the lot; no improvements or county maintenance to Dwyer Avenue; zoning regulation for the DR-16 zone putting lot into large lot regulation, tract boundary, etc.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

N/A
(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

N/A
(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

ORDER RECEIVED FOR FILING

Date

By

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Legal Owner/Inc.
Bedford House, Inc.
(Type or Print Name)

Signature

(Type or Print Name)

Signature

3335 OLD COURT RD. 484-4162
Address

Baltimore, Md. 21208
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

MARSH SILBERMAN
Address

3335 OLD COURT RD. 484-4162
Address

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING - 1/2HR. - 1HR.

AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHER DATE

REVIEWED BY: DATE

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: February 25, 1992

Posted for: *Bedford House, Inc.*

Petitioner: *Bedford House, Inc.*

Location of property: *NE/Corner of Dwyer Ave. & Church Lane*

Location of Sign: *on front of 112 Church Lane*

Remarks: *S. J. Schmitt*

Posted by: *S. J. Schmitt* Date of return: *March 6, 1992*

Number of Signs: *1*

CERTIFICATE OF PUBLICATION

TOWSON, MD. Feb. 28, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb. 13, 1992

THE JEFFERSONIAN,

S. Zeke Orlov

Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-288-A
NE/Corner Dwyer Avenue and Church Lane
112 Church Lane
3rd Election District
2nd Councilmanic District
Bedford House, Inc.
Hearing Date: Monday, March 16, 1992
at 2:00 p.m.

Variance to allow side yard setbacks of 10 feet and 13 feet and a lot width of 69 feet for a 3 apartment dwelling in lieu of the minimum required 15 feet and 80 feet respectively and a setback to the road centerline of 30 feet, for a proposed dwelling in lieu of the minimum required 25 feet and 40 feet respectively.

LAWRENCE E. SCHMIDT,
Zoning Commissioner of Baltimore County
2080 February 15

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-288-A
NE/Corner Dwyer Avenue and Church Lane
112 Church Lane
3rd Election District
2nd Councilmanic District
Bedford House, Inc.
Hearing Date: Monday, March 16, 1992
at 2:00 p.m.

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LAWRENCE E. SCHMIDT,
Zoning Commissioner of Baltimore County
2080 February 15

Trips

NOTICE OF HEARING

Miriam Lo sponsoring a trip on March 5, 1992 breakfast on the discount coupons shopper. Bus to Ohel Shalom (7310 Park Heights Ave.) at 8:30 a.m. and return

Pikesville 5 sponsoring a dinner theatre to see a musical the musical "Seven Brothers" on the 24th the Center's 10 a.m. and return (484-1285).

Md. Free 94 and Ladies A 20.5 for a proposed dwelling in lieu of the minimum required 25 feet and 40 feet respectively.

LAWRENCE E. SCHMIDT,
Zoning Commissioner of Baltimore County
2080 February 15

Theatre

Liberty Showcase Theatre will present "Godspell" at Sudbrook Arts Ctr., 4500 Bedford Rd., on Thursdays, Fridays and Saturdays Feb. 27-March 7 at 8 p.m. and Sundays, March 1 & 8 at 2 p.m. Tickets \$6.95 seniors & children. (653-2517)

Lectures

The Park School Alumni Association will sponsor a forum on AIDS entitled, "AIDS: Facing Realities for Ourselves and Our Children". Wed. Feb. 19 at 7:30 p.m. Featured speakers are: Janet Horn, M.D. presenting medical facts; Deborah M. Roffman, Park Faculty, discussing educational issues; and Tetta Luft, reflecting on personal experiences. (N25-2351)

Special Events

Pikesville Senior Center 1301 Reiss Rd. will hold its Anniversary and Valentine's Party on Sun., Feb. 16. A sit down meal will be served at 12:30 p.m. and music and entertainment will be provided by Bob Franklin from 2-5. Price is \$7.50 p.p. (887-1245).

Events

NOTICE OF HEARING

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Case Number: 92-288-A
NE/Corner Dwyer Avenue and Church Lane
112 Church Lane
3rd Election District
2nd Councilmanic District
Bedford House, Inc.
Hearing Date: Monday, March 16, 1992
at 2:00 p.m.

Variance to allow side yard setbacks of 10 feet and 13 feet and a lot width of 69 feet for a 3 apartment dwelling in lieu of the minimum required 15 feet and 80 feet respectively and a setback to the road centerline of 30 feet, for a proposed dwelling in lieu of the minimum required 25 feet and 40 feet respectively.

LAWRENCE E. SCHMIDT,
Zoning Commissioner of Baltimore County
2080 February 15

Change: Hot coffee will be will be door p mission is \$20. For ticket reser Moore at 486-

BCGR will Fair in Owning Feb. 19 from 9-11 p.m. Free height an breathing, bu coloratol set available to pe age or order. (6

CERTIFICATE OF PUBLICATION

Pikesville, Md., 2/12/92

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 13th day of Feb 19 92 the first publication appearing on the 12th day of Feb 19 92 the second publication appearing on the day of 19 92 the third publication appearing on the day of 19 92

THE NORTHWEST STAR

Manager *Jon Gubel*

Cost of Advertisement \$24.00

PS# 0116888

M. & H. DEVELOPMENT ENGINEERS, INC.

200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204

JANUARY 23, 1992

DESCRIPTION OF PROPERTY
LOCATED #112 CHURCH LANE
3RD ELECTION DISTRICT
BALTIMORE, MARYLAND

FOR PURPOSE OF VARIANCE

Beginning for the same at a point 15' ± easterly from the intersection form by the center line of Dwyer Avenue (30' Wide) and the northwest side of Church Lane (30' Wide), thence along the northwest side of Church Lane N 68° 28' 58" E, 81.37 feet, thence N 21° 20' 21" W 250.36 feet, thence S 68° 16' 54" W 81.41 feet, thence S 21° 20' 56" E 250.07 feet to the place of beginning.

Containing 0.47 acres more or less.

Being all of that tract or parcel of land described in a deed and Recorded among the Land Records of Baltimore County in Liber 8085 Folio 680.



Malcolm E. Hudkins
Registered Surveyor #5095

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

Account: R-001 6150
Number

Cashier Validation

Please Make Checks Payable To: Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

Account: R-001 6150
Number

Cashier Validation

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: 2-8-92

Morris Silberman and Bedford House, Inc.
3635 Old Court Road
Baltimore, Maryland 21208

RE:
CASE NUMBER: 92-288-A
WEC Dwyer Avenue and Church Lane
112 Church Lane
3rd Election District - 2nd Councilmanic District
Petitioner(s): Bedford House, Inc.

Dear Petitioner(s):

Please be advised that \$ 93.73 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE SAVING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

151

ARNOLD JABLON
DIRECTOR

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

JANUARY 28, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-288-A
WEC Dwyer Avenue and Church Lane
112 Church Lane
3rd Election District - 2nd Councilmanic District
Petitioner(s): Bedford House, Inc.
HEARING: MONDAY, MARCH 16, 1992 at 2:00 p.m.

Variance to allow side yard setbacks of 10 feet and 13 feet and a lot width of 69 feet for a 3-apartment dwelling in lieu of the minimum required 15 ft. and 80 ft. respectively and a setback to a right-of-way line of 15 ft. and setback to the road centerline of 30 ft. for a proposed dwelling in lieu of the minimum required 25 ft. and 50 ft., respectively.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Bedford House, Inc.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

February 25, 1992

Mr. Morris Silberman
Bedford House, Inc.
3635 Old Court Road
Baltimore, MD 21208

RE: Item No. 304, Case No. 92-288-A
Petitioner: Morris Silberman
Petition for Variance

Dear Mr. Silberman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

RECEIVED
MAR 17 1992
ZONING COMMISSIONER

Printed on Recycled Paper

Zoning Plans Advisory Committee Comments
Date: February 25, 1992
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw
Enclosures

RECEIVED
MAR 1 1992
ZONING COMMISSIONER

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: February 20, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: February 4, 1992

ITEM NUMBER: 304

1) A 10 ft. right-of-way widening area along Dwyer Avenue should be dedicated to the County at no cost.

2) Dwyer Avenue should be widened to its ultimate section and an adequate turn-around area at the northern property line should be provided. Dwyer Avenue should be at least 16 ft. wide.

3) The proposed parking spaces for Lots 1 and 2 should be relocated so that they are outside the right-of-way for Dwyer Avenue.

4) This site is subject to further C.R.G. comments.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJE/lvd

RECEIVED
MAR 17 1992
ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: February 14, 1992

FROM: Gary L. Kerns, Chief
Comprehensive and Community Planning
Office of Planning and Zoning

SUBJECT: Bedford House, Inc., Item No. 304

Should the Petitioner's request be granted, the Office of Planning and Zoning recommends the following conditions be attached:

-The proposed dwelling for Lot 2 shall be oriented toward Dwyer Avenue.

-To accommodate the future circulation needs of the Pikesville town center, Dwyer Avenue shall not be closed.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

Report prepared by:
Jeffrey Long
Jeffrey Long

GLK/JL:rdn
ITEM304/TXTROZ

RECEIVED
MAR 17 1992
ZONING COMMISSIONER

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500 (301) 887-4500

JANUARY 31, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: BEDFORD HOUSE, INC.
Location: #112 CHURCH LANE
Item No.: 304 Zoning Agenda: FEBRUARY 4, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: [Signature] Noted and Approved
Planning Group U Fire Prevention Bureau
Special Inspection Division

JP/KEK

RECEIVED
MAR 17 1992
ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Office of the Zoning Director

DATE: March 1, 1993

FROM: Kathleen C. Weidenhammer
County Board of Appeals

SUBJECT: Closed File /Case No. 92-288-A /Bedford House, Inc.

As no further appeals have been taken regarding the subject case, we have closed the file and are returning same to you herewith.

Attachment

8/12/92 - Following parties notified of hearing set for October 28, 1992 at 10:00 a.m.:

Michael S. Rosofsky, Esquire
Morris Silberman, Bedford House, Inc.
Ms. Arlene Rosenberg
Mr. Bernard F. Nossel
Ms. Ruth Casper
People's Counsel for Baltimore County
Public Services
P. David Fields
Lawrence E. Schmidt
Timothy W. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon

10/25/92 - Above parties notified of continuance on record and REASSIGNMENT to November 12, 1992 at 1:00 p.m. Philip T. McCusker, Esquire added to file.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 2, 1992

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
NE/Corner Dwyer Avenue and Church Lane
(112 Church Lane)
3rd Election District - 2nd Councilmanic District
BEDFORD HOUSE, INC. - Petitioner
Case No. 92-288-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on April 30, 1992 by Michael S. Rosofsky, Attorney on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:cer

cc: Morris Silberman - Bedford House, Inc.
3635 Old Court Road, Baltimore, Maryland 21208

Michael S. Rosofsky - Court Square Building
200 East Lexington Street, Lower Suite, Baltimore, MD 21202

Arlene Rosenberg, 218 Church Lane, Baltimore, Maryland 21208

Bernard F. Nossel, 205 Church Lane, Baltimore, Maryland 21208

Ruth Casper, 11 Gala Lane, Baltimore, Maryland 21208

People's Counsel, 400 Washington Avenue, Towson, MD 21204

APPEAL

Petition for Zoning Variance
NE/Corner Dwyer Avenue and Church Lane
(112 Church Lane)
3rd Election District - 2nd Councilmanic District
BEDFORD HOUSE, INC. - Petitioner
Case No. 92-288-A

Petition(s) for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Petitioner's & Protestant's Sign-In Sheet

Petitioner's Exhibits: 1. Floor Plan

2. Plan to accompany petition

3. Property Expenses

Protestant's Exhibits: 1. Opposition Petition

2. Opposition letter

Deputy Zoning Commissioner's Order dated March 31, 1992 (Granted with restrictions)

Notice of Appeal received April 30, 1992 from Michael S. Rosofsky Attorney on behalf of the petitioner

cc: Morris Silberman - Bedford House, Inc.
3635 Old Court Road, Baltimore, Maryland 21208

Michael S. Rosofsky - Court Square Building
200 East Lexington Street, Lower Suite, Baltimore, MD 21202

Arlene Rosenberg, 218 Church Lane, Baltimore, Maryland 21208

Bernard F. Nossel, 205 Church Lane, Baltimore, Maryland 21208

Ruth Casper, 11 Gala Lane, Baltimore, Maryland 21208

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue

August 12, 1992

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-288-A

BEDFORD HOUSE, INC.
NE/cor Dwyer Avenue and Church Lane
(112 Church Lane)
3rd Election District;
2nd Councilmanic District

VAR-side yard setbacks & lot width for existing 3-apr. dwelling, right-of-way setback, and street centerline setback.

3/31/92 - D.C.'s Order GRANTING Petition with restrictions.

ASSIGNED FOR: WEDNESDAY, OCTOBER 28, 1992 AT 10:00 a.m.

cc: Michael S. Rosofsky, Esquire - Counsel for Petitioner/Appellant

Morris Silberman, Bedford House, Inc. - Petitioner/Appellant

Ms. Arlene Rosenberg

Mr. Bernard F. Nossel

Ms. Ruth Casper
People's Counsel for Baltimore County
Public Services
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration

LindaLee M. Kuszmaul
Legal Secretary

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue

October 28, 1992

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-288-A

BEDFORD HOUSE, INC.
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(112 Church Lane)
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2nd Councilmanic District

VAR-side yard setbacks & lot width for existing 3-apr. dwelling, right-of-way setback, and street centerline setback.

3/31/92 - D.C.'s Order GRANTING Petition with restrictions.

which was scheduled to be heard on October 28, 1992 was continued on the record and by joint request has been

REASSIGNED FOR: TUESDAY, NOVEMBER 10, 1992 AT 1:00 p.m.

cc: Michael S. Rosofsky, Esquire - Counsel for Petitioner/Appellant

Morris Silberman, Bedford House, Inc. - Petitioner/Appellant

Philip T. McCusker, Esquire

Ms. Arlene Rosenberg

Mr. Bernard F. Nossel
Ms. Ruth Casper
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration

LindaLee M. Kuszmaul
Legal Secretary

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

January 20, 1993

Michael S. Rosofsky, Esquire
Court Square Building
200 East Lexington Street
Lower Suite
Baltimore, MD 21202

RE: Case No. 92-288-A
Bedford House, Inc.

Dear Mr. Rosofsky:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,
Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: Mr. Morris Silberman /
Bedford House, Inc.
Philip T. McCusker, Esquire
Ms. Arlene Rosenberg
Mr. Bernard F. Nossel
Ms. Ruth Casper
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director
of Zoning Administration

LAW OFFICES
MICHAEL S. ROSOFSKY
COURT SQUARE BUILDING
200 EAST LEXINGTON STREET
LOWER SUITE
BALTIMORE, MARYLAND 21202
(410) 539-1900

ADMITTED IN MARYLAND
PENNSYLVANIA AND D.C. STATES

Thursday, April 30, 1992

Zoning Commissioner
Office of Planning and Zoning
Attn: Charlotte Radcliffe
111 W. Chesapeake Avenue, Room 109
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
NE/ Corner Dwyer Avenue and Church Lane
(112 Church Lane)
3rd Election District - 2nd Councilmanic District
Bedford House, Inc. - Petitioner
Case No. 92-288-A

Dear Ms. Radcliffe:

Please be advised that Bedford Housing Inc. is appealing the decision rendered in the above captioned matter. Enclosed please find a check in the amount of \$210.00 to cover the costs of this appeal.

Thank you for your anticipated cooperation in this matter.

Very truly yours,
Michael S. Rosofsky
Michael S. Rosofsky

MSR/dlc
enclosure

PIKEVILLE TOWNSHIP ASSOCIATION, INC.
A COMMUNITY IMPROVEMENT ASSOCIATION

September 4, 1992

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Md. 21204

Re: Case # 92-288-A Bedford House, Inc.

Gentlemen:

The Board of Directors of the Pikeville Township Association, Inc. met on September 2, 1992 and voted unanimously to renew and restate our opposition to the zoning variance requested by Bedford House, Inc.

Pikeville Township Association, Inc. opposes the request for the following reasons:

- 1) The request is not in accordance with the proposed master plan which recommends that the property be down zoned from D.R. 16 to D.R. 5.5 to coincide with neighboring properties on Church Lane.
- 2) The owners have no specific plans and cannot state what kind of dwelling they have in mind.
- 3) If the request is granted it might set a precedent for adjacent property.
- 4) Should the county decide to open Dwyer Lane with a right of way of 50 feet by taking 10 feet from either side, the proposed dwelling would have a set back of only 5 feet.

We trust that you will see fit to deny this appeal.

Sincerely,
Arlene Rosenberg
Arlene Rosenberg
Vice President

RECEIVED
COUNTY BOARD OF APPEALS
92 SEP 10 AM 11:32

DATE: October 28, 1992

TO: Baltimore County Office of Planning and Zoning

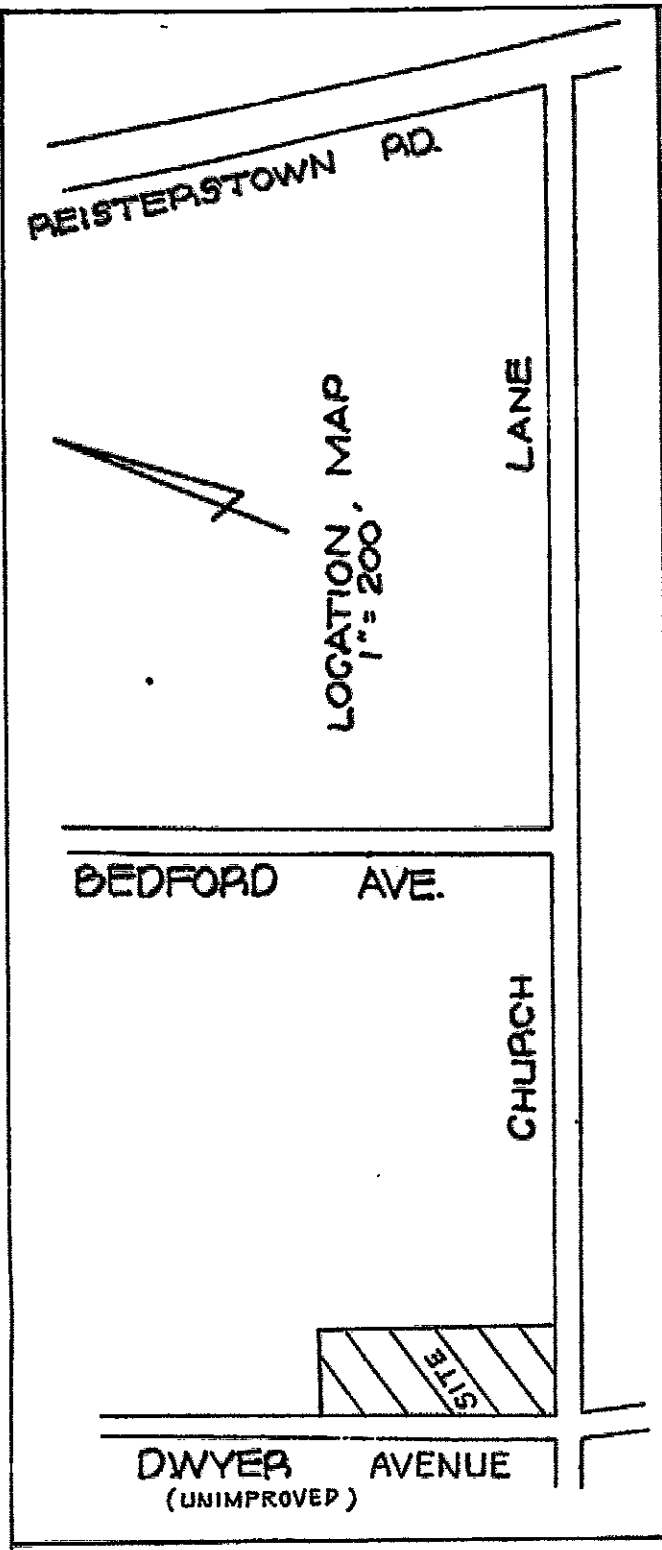
FROM: Bedford Village Council of Unit Owners

RE: Case #92-288A, Item #304

Enclosed please find a copy of a letter that serves notice of our opposition to zoning variance being requested in the above referred case number. Since I am personally unable to attend the hearing on October 28, 1992, please enter this as our testimony.

Thanking you in advance
Stephen L. Hoffman
Stephen L. Hoffman
Co -President
Bedford Village Condo Association

92 OCT 23 AM 11:05



NOTE: WATER LOCAL OPEN SPACE REQUIREMENT FILED.
 VARIANCE FROM SECTION 402.1, 804 (V89 C.M.D.P.)
 TO ALLOW 30' YARD SETBACK, OR 10' FT SETBACK AND 25' ON 30' 40' AND 80' FT RESPECTIVELY AND
 SECTION 1801.2 C.B.
 TO ALLOW REAR YARD OF 25' FT. IN DEPTH 30'

DENSITY CALCULATIONS
 ZONING: DR-1G
 EXISTING USE: EXISTING DWELLING (THREE (3) APARTMENTS)
 PROPOSED USE: EXISTING DWELLING (THREE (3) APARTMENTS & SINGLE FAMILY LOT (FOR SALE))
 UNITS ALLOWED: 4
 PROPOSED FLOORING: LOT 1 = 3 SPACES
 LOT 2 = 2 SPACES

PROPERTY ADDRESS: #112 CHURCH LANE

OWNER: BEDFORD HOUSE, INC.

SCALE: 1"=50' DATE: JANUARY 2, 1992

COUNCILMANIC DISTRICT: 2

ELECTION DISTRICT: 3

1"=200' SCALE MAP: NW 718 F

ZONING: DR-1G

LOTSIZE: 0.47 20,365 SQUARE FEET

PUBLIC SEWER & WATER

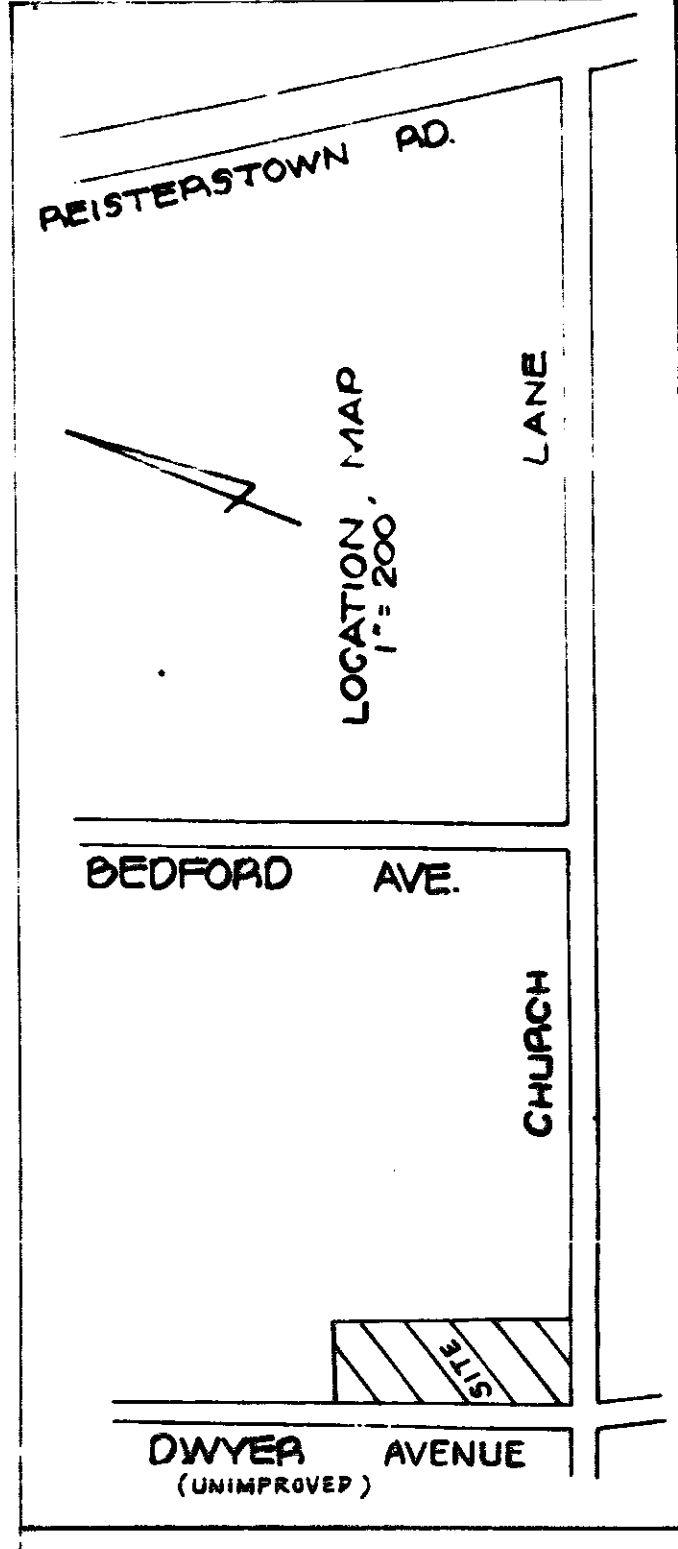
CHESAPEAKE BAY CRITICAL AREA: 110

PRIOR ZONING HEARINGS: NONE

#90-7072

Petitioner's Exhibit 1

EVAN ENGINEERS, INC.
 280 East Joppa Road
 Towson, Maryland 21204
 (301) 286-7000



NOTE: WATER LOCAL OPEN SPACE REQUIREMENT FILED.
 VARIANCE FROM SECTION 402.1, 804 (V89 C.M.D.P.)
 TO ALLOW 30' YARD SETBACK, OR 10' FT SETBACK AND 25' ON 30' 40' AND 80' FT RESPECTIVELY AND
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PUBLIC SEWER & WATER

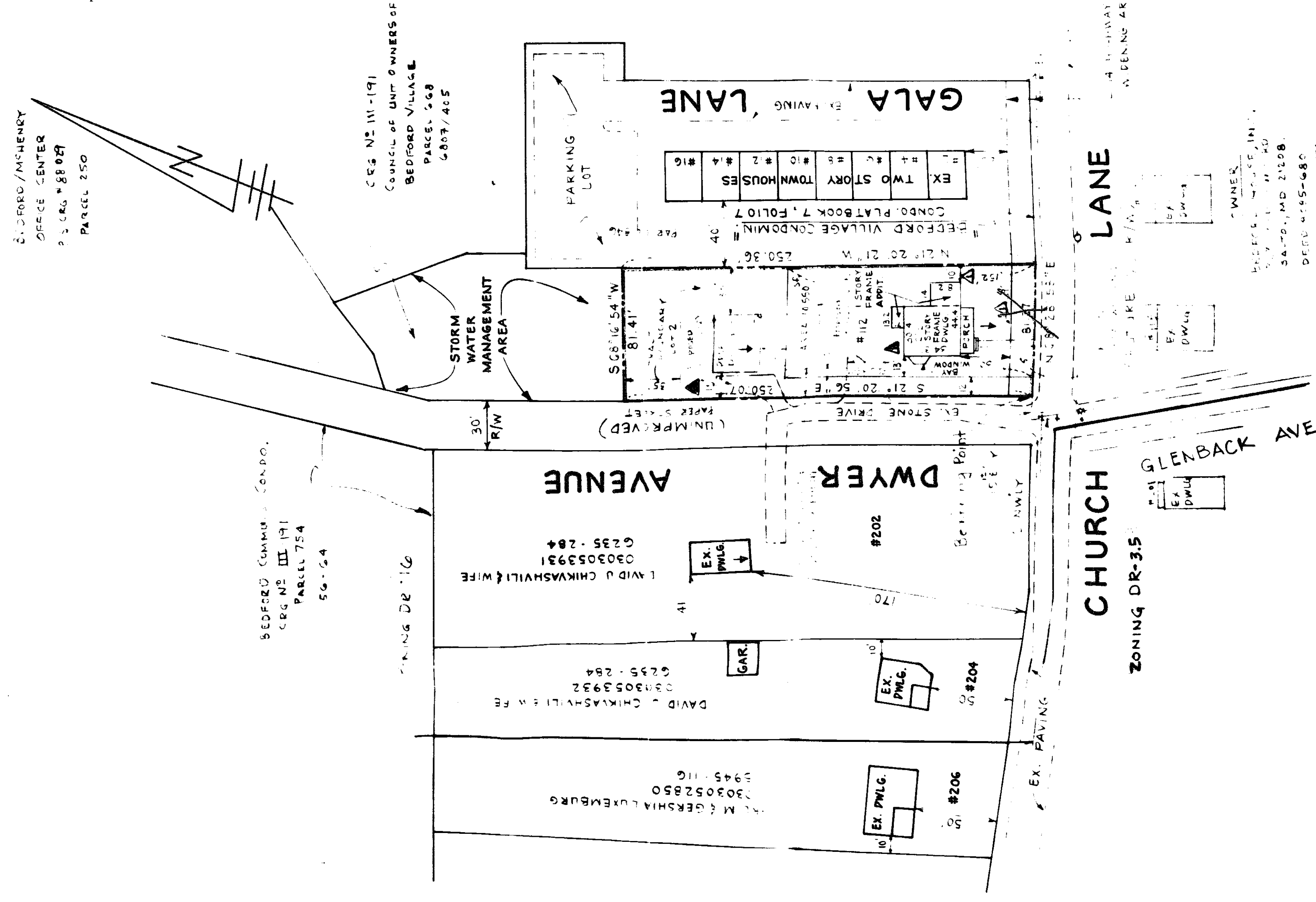
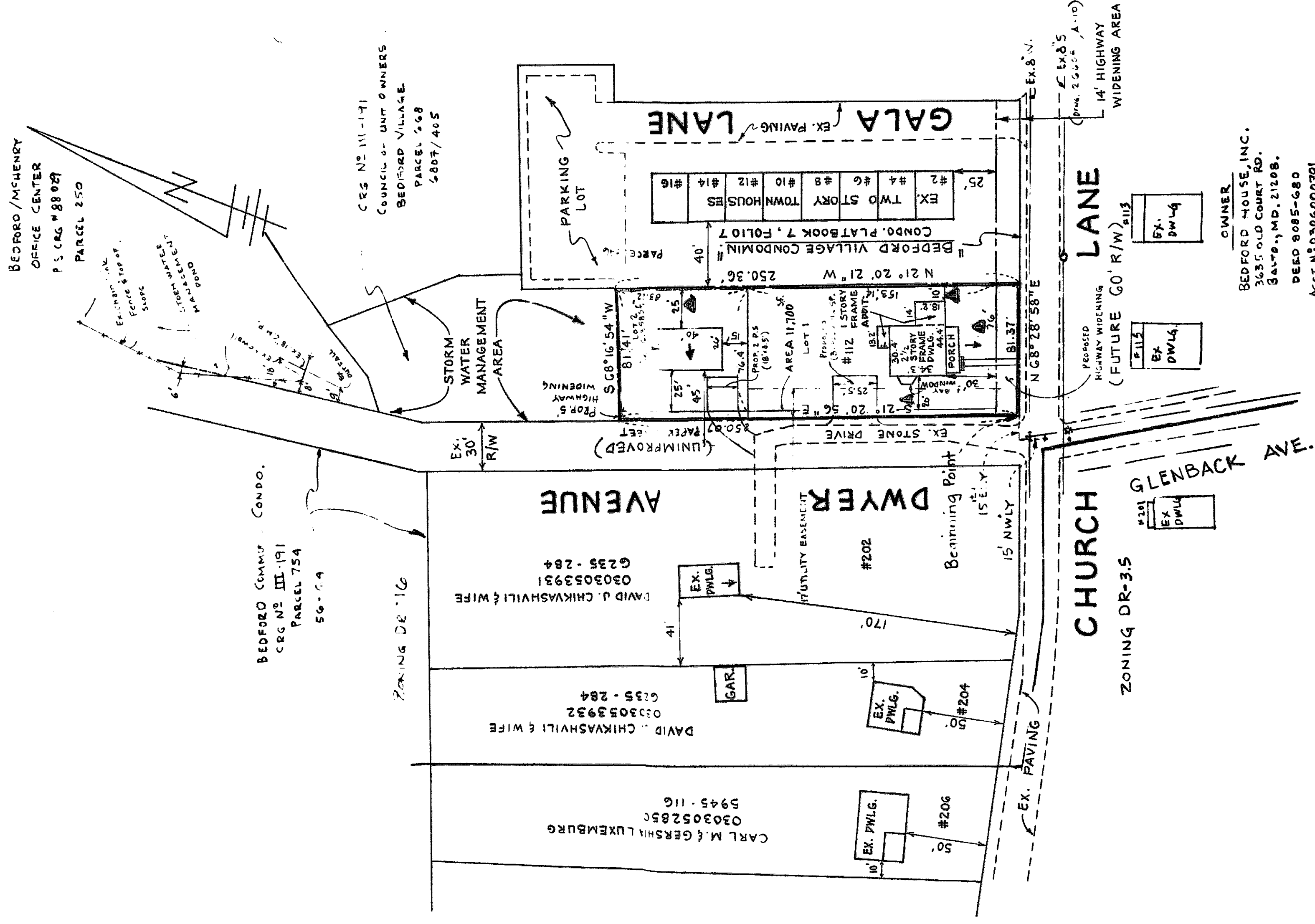
CHESAPEAKE BAY CRITICAL AREA: 110

PRIOR ZONING HEARINGS: NONE

#90-7072

PETITIONER'S
 EXHIBIT 2

EVAN ENGINEERS, INC.
 280 East Joppa Road
 Towson, Maryland 21204
 (301) 286-7000



SHEE

N W

7 - E

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHOD
BY BUCHART-HORN, INC. BALTIMORE, MD 21210

92-288-A